

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HENRY ALTAMIRANO,

Case No. 3:23-cv-00266-MMD-CSD

Petitioner,

ORDER

v.

WARDEN TIM GARRETT, *et al.*,

Respondents.

Petitioner Henry Altamirano, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* ("IFP"). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254, but he did not pay the \$5.00 filing fee or submit an IFP application.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5.00 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner's account statement for the six-month period prior to filing. See 28 U.S.C. § 1915(a); LSR 1-1; LSR 1-2.

Petitioner will have 45 days from the date of this order to either pay the \$5.00 filing fee or submit a complete IFP application with all required documentation.

1 It is therefore ordered that the initial screening of the Petition for Writ of Habeas
2 Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred until
3 Petitioner has fully complied with this order.

4 The Clerk of Court is directed to send Petitioner a blank form IFP application for
5 incarcerated litigants along with instructions, and a copy of this order.

6 It is further ordered that, within 45 days of the date of this order, Petitioner must
7 file an IFP application that includes a: (a) financial certificate signed by Petitioner and an
8 authorized prison official, (b) financial declaration and acknowledgement signed by
9 Petitioner, and (c) copy of Petitioner's inmate account statement for the six-month period
10 prior to filing. Alternatively, Petitioner must pay the \$5.00 filing fee within 45 days of the
11 date of this order. If Petitioner decides to pay the filing fee from his inmate account, he
12 must arrange to have a copy of this order attached to the check for the filing fee.

13 It is further ordered that Petitioner's failure to comply with this order within 45 days
14 by either submitting a complete IFP application, or paying the filing fee will result in the
15 dismissal of this action without prejudice and without further advance notice.

16 DATED THIS 6th Day of July 2023.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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